

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ITR No.230 of 1995

Date of decision: 5.9.2006

The Commissioner of Income Tax, Jalandhar.

....Petitioner

versus

Shri Ravinder Malhotra, Garshankar

...Respondent

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Dr. N.L.Sharda, Advocate, for the revenue.

JUDGMENT:

Following question of law has been referred by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar, arising out of its order dated 27.10.1994, in respect of assessment year 1991-92:-

“Whether on the facts and in the circumstances of the case the ITAT is right in law in dismissing the departmental appeal filed against the order of the CIT (A) dated 10.2.1994 deleting the penalty imposed under section 271B of the IT Act, 1961 amounting to Rs.34,855/- in view of the fact that the assessee failed to furnish the audit report on or before the specified date u/s 139(1) of the IT Act, 1961?”

In view of our judgment rendered today in ITR No.220 of 1995 **(The Commissioner of Income Tax, Jalandhar v. M/s Neel Kamal Rubber Industries Basti Mithu, Kapurthala Road, Jalandhar)**, the question is answered in favour of the assessee and against the revenue.

(Adarsh Kumar Goel)
Judge

Sept.5, 2006
'gs'

(Rajesh Bindal)
Judge

